

## **REMARKS**

Reconsideration of this application is respectfully requested. Claim 1 has been amended and new claims 47 and 48 added. Support for the subject matter of new claims 47 and 48 is found within the originally filed specification (e.g., Figs. 1-5). These amendments are made without prejudice or disclaimer. Applicants reserve the right to prosecute any withdrawn or otherwise unclaimed subject matter found within this application in a subsequently filed continuation or divisional application. Consideration and entry of this amendment is respectfully requested.

### **Rejections Under 35 U.S.C. § 103(a)**

#### **A. Rejections in view of Palermo (WO 99/32120)**

Claims 1-10, 15-24, and 37-39 stand rejected under 35 U.S.C. § 103(a) as being obvious in view of Palermo (WO 99/32120). Applicants respectfully traverse these rejections. As amended, the claims related to a sustained-release oral dosage form comprising at least two different subunits, each containing a sustained release material and an opioid analgesic. As shown in Figures 1-5 of the instant specification, the first and second subunits of the oral dosage form each have different individual dissolution profiles. Palermo does not in any way suggest or describe such a dosage form. The rejection is therefore moot and withdrawal of the same is respectfully requested.

#### **B. Rejections in view of Miller (U.S. Pat. No. 6,326,027)**

Claims 1, 4-10, 15-24, and 37-39 stand rejected under 35 U.S.C. § 103(a) as being obvious in view of Miller (U.S. Pat. No. 6,326,027). Applicants respectfully traverse these rejections. As amended, the claims related to a sustained-release oral dosage form comprising at least two different subunits, each containing a sustained release material and an opioid analgesic. As shown in Figures 1-5 of the instant specification, the first and second subunits of the oral dosage form each have different individual dissolution profiles. Miller does not in any way suggest or describe such a dosage form. The rejection is therefore moot and withdrawal of the same is respectfully requested.

**CONCLUSIONS**

Applicants believe the claims are in condition for allowance and respectfully request that a Notice of Allowance be issued as soon as possible. The Examiner is encouraged to contact the undersigned with any comments and / or questions.

Respectfully submitted,

Date: November 18, 2008

/Patrick J. Halloran/

Patrick J. Halloran

Reg. No. 41,053

Patrick J. Halloran, Ph.D., J.D.  
3141 Muirfield Road  
Center Valley, PA 18034  
Tel: 610-984-4751  
Fax: 484-214-0164  
e-mail: pat@pathalloran.com